

## REMARKS/ARGUMENTS

Reconsideration and allowance of the above-identified application is respectfully requested with regards to claims 1-13. Claims 1-13 remain pending.

The Examiner has rejected claims 1-3, 5-11, and 13 under U.S.C § 102(e) as being anticipated by U.S. Patent 6,118,861 to Gutzmann et al. (hereinafter Gutzmann), and claims 4 and 12 are rejected under U.S.C § 103(a) as being obvious in view of Gutzmann.

Applicants respectfully traverse the rejections for the reasons discussed below. Accordingly, the Examiner is requested to withdraw the above-mentioned rejections.

With respect to the rejection of independent claim 1, Applicant respectfully submits that the Gutzmann patent fails to disclose, teach or suggest the features recited in independent claim 1. Specifically, the Gutzmann patent fails to teach or suggest the use of a Digital Loop Carrier (DLC). Instead, the Gutzmann patent discloses that a Central Office (CO) is used to connect a called and calling party. It is assumed that a switch is used to connect the parties. There is no teaching or suggestion in the Gutzmann patent that a Digital Loop Carrier is used. Rather, the Gutzmann patent discloses, "The called party may be connected to the target central office via a PBX or a key telephone system (KTS)" col. 4 lines 25-27.

In addition, independent claim 1 of the claimed invention further recites that a processing device is operable to maintain a subscriber line-off-hook for a selected period of time if the output indicates the off-hook control signal, and maintain a telephony device off hook and on hook in accordance with when a subscriber line requests and terminates a connection. This indicates that a hold is maintained for a *predetermined period* of time unless an action on the part of the called party is detected.

In contrast, the Gutzmann patent does not disclose that a device is maintained off-hook for a selected period of time. Specifically, the Gutzmann patent discloses that the hold is maintained until an action by a calling or called party occurs. Thus, the hold is maintained *indefinitely* until an action by a calling party or called party occurs. More specifically, the Gutzmann patent discloses that when a first party places a second party on hold, the line is maintained in the hold position. When the first party

removes the on-hold condition, the phone of the second party rings. This prevents the second party from having to wait at the phone until the first party returns.

Similarly the Gutzman patent does not disclose, teach or suggest the use of “a channel unit” as recited in dependent claim 5. Instead the Gutzman patent discloses in Col. 7, lines 16-20 that the system uses a terminal adjunct. As is commonly known, a terminal adjunct is a network interface unit that serves as a demarcation point between the telephone network and the customer premise. Technicians use the network interface unit as a test termination point. For example, if a customer calls the phone company concerning a problem with the telephone line, technicians test between the network interface unit and the telephone network. If no errors are detected between the telephone network and the network interface unit, then the error is determined to be between the customer’s telephone and the network interface unit. Unless the customer has a maintenance contract with the phone company, the customer is expected to pay for the technician troubleshooting errors between their telephone and the network interface unit.

The channel unit claimed in dependent claim 5 is used in a digital loop carrier. The functionality of the invention is contained in the channel unit. The channel unit is not used as a network interface unit, rather the channel unit is used with a network interface for testing between the telephone network and the customer premise.

The Examiner also contends that the Gutzmann patent discloses that a channel unit in which a subscriber line is held in an off-hook position for approximately 30 seconds when the output is determined to comprise the off-hook control signal as recited in dependent claim 6. However, col. 4, lines 60-65 of the Gutzmann patent that the Examiner relies on does not teach or suggest the embodiment of Applicant’s invention recited in dependent claim 6. Instead, the column and lines cited refer to a user either waiting on hold or deciding to hang up. That is, the user and not the channel unit determines the hold period.

Applicants respectfully submit that independent claim 1 should be found patentable. Independent claim 9 contains limitations similar to those found in independent claim 1 and should also be found patentable. Dependent claims 2-8 and

10-13 depend either directly or indirectly from independent claims 1 and 9 and should also be found patentable.

In view of the foregoing, it is believed that the application, including claims 1-13 is in condition for allowance and notice to this effect is respectfully requested. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

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